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State Bar Court of California
Hearing Department
Los Angeles
ALTERNATIVE DISCIPLINE PROGRAM

Counsel For The State Bar MONIQUE T. MILLER DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, California 90015-2299 213-765-1486 Bar # 212469	Case Number (s) 08-O-12852 08-O-12955	(for Court's use) PUBLIC MATTER FILED FEB 19 2010 <i>ROC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent RUBEN D. SANCHEZ Law Office of Ruben D. Sanchez 83-288 Los Cabos Avenue Coachella, CA 92266 Bar # 164298	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: RUBEN D. SANCHEZ Bar # 164298 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 4, 1993.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 6 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☒ State Bar Court case # of prior case
 - (b) ☒ Date prior discipline effective
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☒ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: Ruben D. Sanchez

CASE NUMBER(S): 08-O-12852 and 08-O-12955

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CULPABILITY**

The parties hereby waive any variance between the Notice of Disciplinary Charges ("NDC") filed on July 22, 2009 in Case Nos. 08-O-12852 and 08-O-12955, and the facts and conclusions of law contained in this stipulation.

Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges relating to the cases that are the subject matter of this stipulation.

INCORPORATION OF PRIOR STIPULATION

This stipulation is an addendum intended to supplement the Stipulation re: Facts and Conclusions of Law in Case Nos. 07-O-13599 and 08-O-11153, which the parties lodged with this Court on April 30, 2009 (the "Prior Stipulation"). The Prior Stipulation is also incorporated as if fully set forth herein.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

FACTS AND CONCLUSIONS OF LAW IN CASE NOS. 08-O-12852 & 08-O-12955

FACTS

1. On April 30, 2008 and June 12, 2008, the State Bar's Membership Services office mailed correspondence to Respondent at his then current membership records address advising him that he was not in compliance with his Minimum Continuing Legal Educational requirements and that if he did not provide proof of compliance by June 30, 2008, he would be enrolled as an inactive member on that date.
2. The State Bar letters were returned to Membership Services by the United State Postal Office as undeliverable.

CONCLUSIONS OF LAW

3. By failing to maintain an address with the State Bar at which he would receive official State Bar correspondence, Respondent failed to comply with Business and Professions Code, section 6002.1 in willful violation of Business and Professions Code, section 6068(j).

FACTS AND CONCLUSIONS OF LAW IN CASE NO. 08-O-12852

FACTS

4. Respondent did not timely comply with his Minimum Continuing Legal Educational requirements in 2008. Therefore, Respondent was enrolled as an inactive member of the State Bar on July 1, 2008. Respondent remained an inactive member until July 25, 2008.

5. On July 18, 2008, Respondent appeared in the Superior Court for the County of Riverside, California, on behalf of Aida Resendiz in case number IND084642.

CONCLUSIONS OF LAW

6. By appearing in court on behalf of Resendiz while he was not an active member of the State Bar, Respondent held himself out as entitled to practice law and practiced law when he was not entitled to do so in violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in willful violation of Business and Professions Code, section 6068(a).

FACTS AND CONCLUSIONS OF LAW IN CASE NO. 08-O-12955

FACTS

7. On July 23, 2008, Respondent executed and caused to be submitted to the Superior Court for the County of Riverside, California, a form requesting that that morning's hearing in case number INV012284 be continued. On that same day, Respondent executed and caused to be submitted to that same Court, a form requesting that that morning's hearing in case number INDO94482 be put over to the second call. On both of these forms, Respondent identified himself as "Attorney for Respondent".

8. On July 23, 2008, Respondent executed a Stipulation For Judgment in case number INDO94482 as the "Attorney for Respondent". That document was submitted to the Court by the parties on July 23, 2008.

CONCLUSIONS OF LAW

9. By executing documents, which were submitted to the Court, as attorney for the respondents in case numbers INV012284 and INDO94482 when he was not an active member of the State Bar, Respondent held himself out as entitled to practice law and practiced law when he was not entitled to do so in violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in willful violation of Business and Professions Code, section 6068(a).

RULE 133 NOTICE OF PENDING PROCEEDINGS

Respondent was notified in writing of any pending investigations not included in this stipulation, pursuant to Rule 133(12), on ~~August 14~~, 2009.

October 8

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In the Matter of RUBEN D. SANCHEZ	Case number(s): 08-O-12852 AND 08-O-12955
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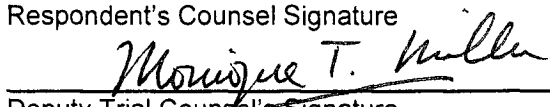
SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

<u>10-8-09</u> Date	 Respondent's Signature	Ruben D. Sanchez Print Name
<u>10/8/9</u> Date	 Deputy Trial Counsel's Signature	Monique T. Miller Print Name

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In the Matter Of
RUBEN D. SANCHEZ

Case Number(s):
08-O-12852 and 08-O-12955

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public,
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without
prejudice, and:

- ☒ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set
forth below.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the
stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or
further modifies the approved stipulation; or 3) Respondent is not accepted for participation
in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of
Procedure.)

02-17-10
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 19, 2010, I deposited a true copy of the following document(s):

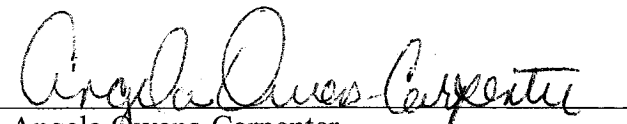
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:
- RUBEN D SANCHEZ
LAW OFC RUBEN D SANCHEZ
83-288 LOS CABOS AVE
COACHELLA CA 92266
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 19, 2010.


Angela Owens-Carpenter
Case Administrator
State Bar Court